

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - CINCINNATI**

PHILLIP RAMSEY,	:	Case No. 1:16-cv-1059
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
RECEIVABLES PERFORMANCE	:	
MANAGEMENT, LLC, et al.,	:	
	:	
Defendants.	:	

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**BRIEFING ORDER**

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This case is before the Court following a status conference on May 3, 2021 and the parties' subsequent emails on May 10, 11, and 18, 2021. The parties have discussed the recent Supreme Court decision in *Facebook, Inc. v. Duguid*, 141 S. Ct. 1163 (2021), as it relates to this Court's ruling on the cross motions for partial summary judgment (Doc. 120). The parties propose that each side submit a 15-page brief supplementing their respective motions for summary judgment. Each side would then file a 10-page response to the other party's supplement brief. No reply briefs would follow, but the parties do request oral argument. The parties were unable, however, to reach an agreement as to whether the Court should vacate its prior Order resolving the motions for partial summary judgment.

The parties' proposal is granted in part and denied in part. The Court will permit the parties to engage in briefing as to the effect of *Duguid* on its Order. The parties'

proposal to “supplement” their Fed. R. Civ. P. 56 motions, however, cannot be adopted, because the Court has ruled on those summary judgment motions and terminated them from its docket. As such, the Rule 56 motions are resolved. The parties may, however, move for reconsideration of the Court’s ruling on those motions under an applicable Federal Rule of Civil Procedure, such as Rule 60(b). Such motions shall be limited to 15 pages and due on **June 25, 2021**. Responses shall be limited to 10 pages and due on **July 9, 2021**. Any replies shall be limited to 3 pages and due on **July 16, 2021**. The Court will contact the parties if it finds oral argument necessary.

The parties also advise that they are unable to agree on whether the Court should set aside, or vacate, its prior Order resolving their motions for partial summary judgment. For that reason, they propose proceeding with the June 1, 2021 status conference. The point of their proposed post-Rule 56 briefing, however, is to determine whether the Order will be vacated or not. The Court will make that determination. Accordingly, this matter does not require the parties’ agreement or further discussion. As such, the Court **VACATES** the telephonic status conference scheduled for June 1, 2021 at 11:30 A.M.

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND